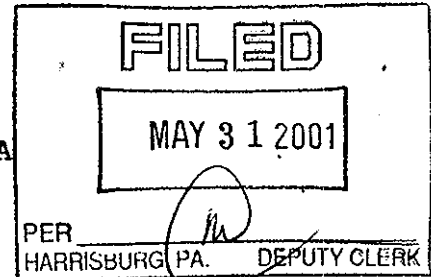


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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIACARLOS OCTAVIO VLADIMIR SIMO-THEN :
(PETITIONER) :CIVIL NO. 1:CV-00-1808
(JUDGE KANE)

V. :

CHARLES ZEMSKI, ET AL. :
(RESPONDENTS) :MOTION TO FORESTALL PRISON TRANSFER

Comes now Petitioner, pro se, and moves to this honorable court to forestall transfer pending a judgement and its enforcement for his habeas corpus petition. Petitioner argues as follows in support of this motion:

- 1) Snyder County Prison houses about 80 INS inmates. Due to upcoming sentences of county inmates, whom have housing priority, INS may to transfer about 20 of its inmates. Most of the INS inmates at this prison are not pending any procedures that involve jurisdictional matters, in fact, most of them are inmates whom their proceedings have finished but can not be deported because their countries will not take them back.
- 2) This Petitioner is waiting for a judgement of this court and which jurisdiction may be affected with a transfer.
- 3) The transfer of this particular petitioner is not absolutely necessary and its forestall will not prejudice INS.
- 4) In habeas corpus proceedings, true to their name, a number of matters turn on the physical location of the prisoner. These matters include not only personal jurisdiction, venue, and the proper party respondent, but also judicial efficiency, fairness to the litigants, and the federal court's ability to adjudicate the case and enforce their judgement with

regard to the prisoner's custody.

THEREFORE, for the above reasons Petitioner respectfully request that this honorable court forestall his transfer pending the outcome of his habeas corpus petition.

Dated

5-29-01

Respectfully submitted,

Carlos O. Vladimir Simothu

CARLOS OCTAVIO V. SIMO-THEN

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SNYDER COUNTY PRISON

600 OLD COLONY ROAD

SELINGSGROVE, PA 17870

CERTIFICATE OF SERVICE

I Carlos O. V. Simo-Then certify that on May 29, 2001, I served the respondent with a copy of the foregoing, Motion to Forestall Transfer, by placing a true and complete copy in an envelope, postage prepaid, and mailing it, addressed as follows:

MARK E. MORRISON
ASSISTANT UNITED STATES ATTORNEY
228 WALNUT STREET
P.O. BOX 11754
HARRISBURG, PA 17108

Carlos O. Vladimir Simo-then
CARLOS O. V. SIMO-THEN